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09/213,748	12/17/1998	EDWARD G. CALLWAY	0100.01319	6443

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EXAMINER

HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/213,748
Filing Date: December 17, 1998
Appellant(s): CALLWAY ET AL.

MAILED
AUG 29 2005
Technology Center 2600

Christopher J. Reckamp
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/25/05.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 3, 4, 7, 9, 14, 17 and 19 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 20, 22 and 26-28 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claim 30 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claim 38 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 15 and 16 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 18 and 29 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 12, 13, 24 and 25 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,912,710	FUJIMOTO	7-1999
6,208,354 B1	PORTER	3-2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 2-4, 6-11, 14-23, 26-30 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto and further in view of Allen Porter. This rejection is set forth in a prior Office Action, mailed on 8/25/04.

(11) Response to Argument

**** NOTE:** The numbering of the Examiner's Answers corresponds to the numbering of the arguments as presented by the Appellant.

VIII. Response to Applicant's Argument.

Fujimoto's teachings do not divert from the teachings of Porter. Fujimoto teaches storing video and graphics together in a DVD memory that provides the stored video and graphics to a system for independent processing that results in the video and graphics being mixed and displayed (Fig. 1). Porter teaches storing video and graphics

in a memory, that is preferably a frame buffer (col. 2, ll. 45-58), and separating and providing the stored data to a system that independently processes the data, e.g. scales the data (col. 5, ll. 20-30), before mixing and displaying the video and graphic (Fig. 1).

Thus, Fujimoto and Porter both teach combining the video and graphics data for storing in a single memory that is used as a source for providing the stored data to a system for independent processing before recombining and displaying the blended data. Fujimoto and Porter teach a method that correspond to the Applicant's claimed invention in that the Applicant's video and graphics scalers receive the respective video and graphic data from the frame buffer storing both the video and graphics data as indicated by the Applicant's summary of claimed subject matter (Appellant's Brief: pp. 3, Para 1).

Fujimoto's disclosed DVD source memory storing both the video and graphics data is not a critical element of Fujimoto's invention. Thus, since the DVD memory is not essential to the system, the substitution of Fujimoto's DVD source memory with Porter's frame buffer as a source of video and graphics data would operate in the same manner as both Fujimoto and Porter store video and graphics in a single memory source, and separately process video and graphics data that is mixed and displayed. Additionally, the inclusion of a frame buffer in place of the DVD memory of Fujimoto does not create redundant storage because the source memory is used to store both video and graphics. When supplied to the system the video and graphics is separated and the graphics data is provided to the VRAM (Fig. 1 "103") and the video data is supplied to the MPEG decoder (Fig. 1 "102"). The VRAM and MPEG decoder each hold only one type of data and not both types of data. Therefore the substitution of the DVD memory

with a frame buffer does not create redundancy as there is only one memory source supplying the system with both video and graphics data.

A. Applicant argues the obvious rejection must be reversed since the Fujimoto reference teaches away from the alleged combination with the claimed subject matter.

1. a. Regarding claims 3, 7, 9, 14, 17 and 19, Fujimoto does not discourage pursuing a display system including a frame buffer that stores both video and graphics information. Fujimoto teaches not using certain areas of the VRAM 103 to improve the quality of the display without using large video memory (col. 14, ll. 9-21). Fujimoto's teaching not using large video memory is NOT directed toward the use of a single memory source, such as a DVD, to store both video and graphics data that is to be provided to the system for processing, such as scaling and mixing, before display of the combined video graphic data. Because Fujimoto does not teach eliminating the source memory that stores both the video and the graphics data he does NOT criticize using video memory to simultaneously store video and graphics data. Fujimoto's teaching does not exclude the use of video memory as a memory source for separately storing video and graphics to be supplied to a system for processing as he teaches numerous modifications and variations of his system are possible (col. 17, ll. 1-5). Additionally, Porter's teaching the substitution of a frame buffer with any of multiple types of memory, including a DVD memory, suggests a variation that when applied to the system of

Fujimoto achieves the same function of separately storing video and graphics data for scaling processing to generate a mixed videographic display (col. 2, ll. 40-55).

b. Regarding claims 22 and 26-28, Examiner reasserts the response to remarks made with respect to claims 3, 4, 7, 9, 14,17 and 19. Fujimoto teaches a DVD storage media having stored video and graphics data (Fig. 1 "100B & 100G"). The stored data on the storage media indicates that the video and graphics data has been received and thus stored in the DVD memory. Thus, Fujimoto teaches receiving a video stream and a graphics stream and allocating a portion of a memory to the video and allocating a portion of the memory to the graphics. Additionally, Examiner submits that claims 22 and 26-28 are not deemed to be in condition for allowance based upon the supported obviousness rejection.

c. Regarding claim 30, Examiner reasserts the response to remarks made with respect to claims 3, 4, 7, 9, 14,17 and 19. Additionally, Examiner submits that claim 30 is not deemed to be in condition for allowance based upon the supported obviousness rejection.

d. Regarding claim 38, Examiner reasserts the response to remarks made with respect to claims 3, 4, 7, 9, 14,17 and 19. Fujimoto, teaches a memory for single memory for storing video and graphics data (Fig. 1 "100"). Additionally, Examiner

submits that claim 38 is not deemed to be in condition for allowance based upon the supported obviousness rejection.

2. The combination of Fujimoto's and Porter's teachings would not result in an modification of Fujimoto in a manner unsatisfactory for its intended purpose NOR would the combination result in redundant operations and structure. Examiner reasserts the response to remarks made above in subsection VIII.

a. Regarding claims 3,7, 9, 14, 17 and 19, which stand together with claim 4, substitution of a DVD source with a frame buffer would not render the structure of Fujimoto useless, inoperable or redundant. Examiner reasserts the response to remarks made above in subsections VIII and 1a.

b. Regarding claims 22 and 26-28, Examiner reasserts the response to remarks made with respect to claims 3, 4, 7, 9, 14,17 and 19. Additionally, Examiner submits that claims 22 and 26-28 are not deemed to be in condition for allowance based upon the supported obviousness rejection.

c. Regarding claim 30, Examiner reasserts the response to remarks made with respect to claims 3, 4, 7, 9, 14,17 and 19. Additionally, Examiner submits that claim 30

is not deemed to be in condition for allowance based upon the supported obviousness rejection.

d. Regarding claim 38, Examiner reasserts the response to remarks made with respect to claims 3, 4, 7, 9, 14, 17 and 19. Additionally, Examiner submits that claim 38 is not deemed to be in condition for allowance based upon the supported obviousness rejection.

B. Applicant argues the statements of motivation to combine the references have not satisfied the prima facie case of obviousness.

1. The combination of Fujimoto's and Porter's teachings would not result in an modification of Fujimoto in a manner unsatisfactory for its intended purpose as Fujimoto teaches a system that uses DVD memory as a single source of separately stored video and graphics data (Fig. 1 "100") that is supplied to independent graphics and video scalers. Additionally, Fujimoto teaches independently scaling video and graphics to merge the data into a videographic display using separately stored video and graphics data in memory of a system to which numerous modifications and variations are possible (col. 17, ll. 1-5). Porter teaches storing video and graphics in a memory (Fig. 1 "10"), that is preferably a frame buffer, and separating and providing the stored data to a system that independently processes the data, e.g. scales the data (col. 5, ll. 20-30),

before mixing and displaying the video and graphic (Fig. 1). Thus, Porter's teaching the substitution of a frame buffer with any of multiple types of memory, including a DVD memory (col. 2, ll. 45-58), suggests a variation that when applied to the system of Fujimoto achieves the same function of separately storing video and graphics data for scaling processing to generate a mixed videographic display. Examiner reasserts the response to remarks made above in subsection VIII.

2. Regarding claims 22 and 26-28, which stand together with claim 20, Examiner reasserts the response to remarks made with respect to claims 3, 4, 7, 9, 14,17 and 19. Additionally, Examiner submits that claims 20, 22 and 26-28 are not deemed to be in condition for allowance based upon the supported obviousness rejection.

3. Regarding claim 30, Examiner reasserts the response to remarks made with respect to claims 3, 4, 7, 9, 14,17 and 19. Additionally, Examiner submits that claim 30 is not deemed to be in condition for allowance based upon the supported obviousness rejection.

4. Regarding claim 38, Examiner reasserts the response to remarks made with respect to claims 3, 4, 7, 9, 14,17 and 19. Additionally, Examiner submits that claim 38 is not deemed to be in condition for allowance based upon the supported obviousness rejection.

C. Applicant argues the Examiner has failed to demonstrate that the prior art teaches or suggests each claim limitation.

1. Regarding claims 15 and 16, Applicant's arguments have been persuasive. Therefore the rejection with respect to claims 15 and 16 is withdrawn.

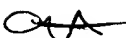
2. Regarding claims 18 and 29, Fujimoto teaches a multiplexer outputting graphics data to a decoder that decodes an input index value of the graphic pixel data to select a color palette address that corresponds to the graphic pixel data (col. 15, ll. 10-21); and provides the graphic data to a scaling filter (col. 15, ll. 20-50; Fig. 1 "104" connected to "155"; Fig. 17). Thus, Fujimoto discloses a graphics decoder operably connected to the graphics scaler as he teaches decoding the graphic pixel data and providing the graphic pixel data to a filter for performing scaling operations.


D. Claims 12-13 and 24-25 are not deemed to be in condition for allowance based upon their dependence from claims rejected based on subject matter taught or suggested by the combination of Fujimoto and Porter.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Chante Harrison
Examiner
Art Unit 2677

ceh 
July 7, 2005

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